

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV9-T-02
(1:04CR43)**

ANGELA NAOMI HOWELL,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, filed January 2, 2008.

Petitioner alleges in her motion that she was subjected to an enhanced sentence for involvement with actual methamphetamine in spite of the Government's failure to prove the exact form of the substance with which she was involved. Petitioner also alleges that she received ineffective assistance of counsel due to counsel's failure to investigate and determine the exact type of methamphetamine with which she had dealt, to object to the Government's plea offer and/or require the Government to

prove that she had been dealing the most potent form of methamphetamine before recommending that she sign a plea agreement involving that substance, to advise her that she was pleading guilty to involvement with the most potent form of methamphetamine, to present certain mitigating evidence at sentencing in order to secure a downward departure, and to ensure that she was not held accountable for any methamphetamine which she had “cooked” for her own “personal use,” as opposed to amounts in which she had trafficked in order to support her drug habit.

After careful consideration of the foregoing claims, the undersigned has determined that the Government should be required to file a response to each of those matters.

IT IS, THEREFORE, ORDERED that the United States shall file an answer to the above-noted allegations or before sixty (60) days from service of this Order.

Signed: January 15, 2008



Lacy H. Thornburg
United States District Judge

